### LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

## for September 29, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Adams Street Acreages Community Unit Plan Co. Special Permit #04048, Preliminary Plat #04022

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

**PROPOSAL:** A community unit plan and preliminary plat for four acreage

residential units.

**LOCATION:** One half mile east of N. 148th and Adams Street.

### **WAIVER REQUESTS:**

- 1. Ornamental street lighting.
- 2. Sidewalks.
- Street trees.
- 4. Landscape screens.
- 5. Stormwater Detention.
- 6. Block length.

LAND AREA: 80.09 acres, more or less.

**CONCLUSION:** This is an AG Community Unit Plan, proposing to "cluster" the allowed

dwelling units to four acreage lots. Waivers requested are typical of a rural subdivision and are provided for in the code. No bonus is being

requested.

### RECOMMENDATION:

Co. Special Permit #04048 Conditional Approval Preliminary Plat # 04022 Conditional Approval

### Waivers

1.	. Ornamental lighting	Approval
2	Sidewalks	Approval
3.	. Street trees	Approval
4.	. Landscape screens	Approval
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5. Stormwater Detention Approval6. Block length Approval

### **GENERAL INFORMATION**

**LEGAL DESCRIPTION:** The W ½ of the SE 1/4 of Section 10, T10N, R8E of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

**EXISTING ZONING:** AG Agriculture

**EXISTING LAND USE:** Farm land/pasture

**SURROUNDING LAND USE AND ZONING:** Agricultural land in AG zoning on all sides. Farm house to the south.

**HISTORY:** Changed from AA Rural and Public Use to AG Agriculture with the adoption of the 1979 Zoning Update.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Comprehensive Plan shows this area as Agriculture. This is outside the Lincoln growth tiers. A cluster is permitted by special permit in the AG district. In relation to clustering the Comprehensive Plan states:

Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot) and AGR - Agricultural Residential District (minimum of 3 acres per lot) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies (pg F 70)

Acknowledge the "Right to Farm" and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages (pg F 70)

Retain the current overall density of 32 dwellings per square mile (20 acre) for all agriculturally zoned land. Provide for an ability to divide two 3 acre lots per "40" acre parcel with conditions and administrative review and right of appeal. This would allow more flexibility for parcel size while retaining the overall density and assist in retaining farmable units of land. (F 70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F 70)

Development of a performance standard "point system" will allow the location of higher density rural acreage development in either "AG" or "AGR" where the review criteria can be met. This allows equal treatment across

the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient "points" can be accumulated to justify the development at the requested location." (F 71)

**UTILITIES:** Water from Cass County Rural Water District is proposed. Individual waste water treatment is proposed.

**TOPOGRAPHY**: The property is gently rolling, draining to the north.

**TRAFFIC ANALYSIS:** Adams Street is a county gravel road. 148<sup>th</sup> Street to the west is paved. Adams is not shown for future improvement.

**PUBLIC SERVICE:** This area is served by Eagle Rural Fire District. This is in the Waverly School District #145. This is in the Norris Public Power service area.

**REGIONAL ISSUES:** Expansion of the acreage areas. Clustering to preserve farm land.

**ENVIRONMENTAL CONCERNS:** The Historic and Ecological Resources surveyshows no resources on this property. The soil rating is 4.42, on a scale of 1 to 10 where 1-4 are prime ag land. This is good but not prime land.

**AESTHETIC CONSIDERATIONS:** na

**ALTERNATIVE USES:** All uses allowed in the AG district. Four 20+ acre lots.

### ANALYSIS:

- 1. This request is for a Special Permit for a Community Unit Plan for 4 acreage residential lots. A crushed rock private street is proposed and individual sewer and Cass County Rural Water is proposed. A dwelling unit bonus is <u>not</u> being requested.
- 2. This request is in general conformance with the Comprehensive Plan.
- 3. The arrangement of the lots appears to reflect the topography and drainage of the parcel. However, the strip of farm land between the street and the west property line is not farmable nor desirable.
- 4. The Planning Department issued a draft Performance Standard and Acreage Development Strategy on September 17<sup>th</sup> 2003. Under that proposal, a raw score of 300 could lead to support for a requested change of zone to AGR. Other bonuses could be available based on the score. The raw score for this parcel is, -52.

5. The density calculations for the project are as follows;

80.09 acres at 1 dwelling per 20 acres = 20% bonus not requested

4.00 dwellings

4 dwellings permitted

Requested

4 units on 4 lots

- 6. There were no conflicting farm uses, such as feedlots, noted in the immediate area.
- 7. This reflects the normal adjustments to accomplish a cluster style of subdivision through the CUP, however, the off-set from the west property line is not appropriate.
- 8. Waivers are requested for street lights, sidewalks, block length, street trees, storm drainage and screening. These are typical waivers required, provided for and appropriate for agriculture/acreage clusters. Yards are adjusted from AG to AGR standards as part of the cluster.
- 9. The County Engineer's memo of August 31 notes several issues and corrections.
- 10. The Lincoln/Lancaster County Health Department notes the water and waste water treatment are adequately addressed.
- 11. Norris Public Power notes easements in place.
- 12. The north-south street must be numbered by subdivision standard.
- 13. The offset of Shannon Street from the west property line creates a "spite strip" that is unfarmable and undesirable.
- 14. Note 10 d does not recognize Lot 1 is a corner lot and that a front yard exists along along Adams Street. There is no justification to reducing the front yard to 10'. The plan does not show the trees or structers that they intent to save.

### CONDITIONS FOR SPECIAL PERMIT #04048:

### Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the

application will be scheduled on the County Board's agenda: (NOTE: These documents and plans are required by resolution/ordinance or design standards.)

- 1.1 Make the corrections requested by the County Engineer in his letter of August 31, 2004.
  - 1) Re-phrase General Note #13 to read: "Only one residential access allowed per lot".
  - 2) Eliminate Note #10.
  - 3) Add to the Preliminary Plat Two Type III 22 feet barricades at temporary turnaround.
  - 4) Site development, including proposed grading contours, are not shown on the submitted plan.
  - 5) The HY-8 culvert analysis show a constant tail-water elevation of 0.00. This is incorrect and shows as an error in the tail-water depth in the Performance Curve Table.
  - 6) The grade of Shannon Street as it approaches Adams Street should be 0.50% to match existing ground and eliminate the short vertical curve at Sta. 0+50.
  - 7) Right-of-way dedication shall be noted on the drawing, and shall extend across the Adams Street frontage of Outlot "A" along with the 10 feet of setback for future improvements.
  - 8) A typical grading cross-section shall be shown.
- 1.2 Revise the drawing to rename Shannon to a numbered street.
- 1.3 Show access to the farmland/outlot.
- 1.4 Revise the drawing to remove the strip of Outlot "A" between the west property line and Shannon Street.
- 1.5 Modify the notes to show the building height permitted is 35'.
- 1.6 Add the "right to farm" and "junk car" notes typical on county plats.

- 1.7 The density calculations must use the county method, not the Lincoln multiplier.
- 1.8 Show the rural water main and easement serving the lots.
- 1.9 Show the contours at no more then 5' intervals.
- 1.10 Show the Adams street ROW along the entire subdivision.
- 1.11 Identify the private roadway as Outlot B.
- 2. This approval permits 4 single family lots.

### General:

- 3. Before receiving building permits:
  - 3.1 The permittee is to submit a revised site plan and the plan is found to be acceptable.
  - 3.2 The permittee is to submit six prints and a permanent reproducible final site plan as approved by the County Board.
  - 3.3 The construction plans are to comply with the approved plans.
  - 3.4 The final plat(s) is/are approved by the County Board.
  - 3.5 The County Board approves associated requests:
    - 3.5.1 Adams Street Acreages Preliminary Plat #04022.
    - 3.5.2 A waiver to the sidewalk, street lights, landscape screen, stormwater detention and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.
    - 3.5.3 A modification to lot area, frontage and setbacks as part of the CUP.
    - 3.5.4 A modification to the requirements of the land subdivision resolution to permit a block length in excess of 1320' along the north, south, east and west perimeter of this subdivision.

- 3.6 The County Engineer has approved:
  - 3.6.1 An agreement for street maintenance.

### STANDARD CONDITIONS:

- 4. The following conditions are applicable to all requests:
  - 4.1 Before occupying this Community Unit Plan all development and construction is to comply with the approved plans.
  - 4.2 Before occupying this Community Unit Plan, City/County Health Department is to approve the water and waste water systems.
  - 4.3 All privately-owned improvements are to be permanently maintained by the owner or an appropriately established homeowners association approved by the County Attorney.
  - 4.4 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.5 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.6 The County Clerk is to file a copy of the resolution approving the permit and the letter of acceptance with the Register of Deeds. The Permittee is to pay the recording fee.

### **CONDITIONS FOR PRELIMINARY PLAT #04022:**

### Site Specific:

- After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council/County Board agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
  - 1.1 Make the corrections requested by the County Engineer in his letter of August 31, 2004.
    - 1) Re-phrase General Note #13 to read: "Only one residential access allowed per lot".

- 2) Eliminate Note #10.
- 3) Add to the Preliminary Plat Two Type III 22 feet barricades at temporary turnaround.
- 4) Site development, including proposed grading contours, are not shown on the submitted plan.
- 5) The HY-8 culvert analysis show a constant tail-water elevation of 0.00. This is incorrect and shows as an error in the tail-water depth in the Performance Curve Table.
- 6) The grade of Shannon Street as it approaches Adams Street should be 0.50% to match existing ground and eliminate the short vertical curve at Sta. 0+50.
- 7) Right-of-way dedication shall be noted on the drawing, and shall extend across the Adams Street frontage of Outlot "A" along with the 10 feet of setback for future improvements.
- 8) A typical grading cross-section shall be shown.
- 1.2 Revise the drawing to rename Shannon to a numbered street.
- 1.3 Show access to the farmland/outlot.
- 1.4 Revise the drawing to remove the strip of Outlot "A" between the west property line and Shannon Street.
- 1.5 Modify the notes to show the building height permitted is 35'.
- 1.6 Add the "right to farm" and "junk car" notes typical on county plats.
- 1.7 The density calculations must use the county method, not the Lincoln multiplier.
- 1.8 Show the rural water main and easement serving the lots.
- 1.9 Show the contours at no more then 5' intervals.
- 1.10 Show the Adams street ROW along the entire subdivision.
- 1.11 Identify the private roadway as Outlot B.

- 2. The County Board approves associated requests:
  - 2.1 County Special Permit # 04048 for the Community Unit Plan.
  - 2.2 A waiver to the storm water detention, sidewalk, street paving, street lights, landscape screen, and street tree requirements since the area is of larger lots, a rural nature and the subdivision will not be annexed.
  - 2.3 A waiver to the lot area, setbacks and frontage.
  - 2.4 A modification to the requirements of the land subdivision ordinance to permit a block length in excess of 1320' along the north, south, east and west perimeter of this subdivision.

### General:

- 3. Final Plats will be scheduled on the Planning Commission agenda after:
  - 3.1 Streets, water facilities if ruralwater, drainage facilities, temporary turnarounds and barricades, and street name signs have been completed.
  - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
    - 3.2.1 To submit to the County Engineer an erosion control plan.
    - 3.2.2 To protect the remaining trees on the site during construction and development.
    - 3.2.3 To submit to lot buyers and home builders a copy of the soil analysis
    - 3.2.4 To complete the private improvements shown on the preliminary plat.
    - 3.2.5 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the County Attorney and filed of record with the Register of Deeds.

- 3.2.6 To relinquish the right of direct vehicular access to Adams Street except for 155<sup>th</sup> Street (Shannon).
- 3.2.7 To comply with the provisions of the Land Subdivision Resolution regarding land preparation.

### Prepared by:

Mike DeKalb, 441-6370, mdekalb@lincoln.ne.gov Planner September 12, 2004

APPLICANT: Lyle Loth

ESP

601 Old Cheney Road, Suite A

Lincoln, NE 68512

421 - 2500

**OWNER:** James M. Buel

P.O. Box 301 Eagle, NE 68347 (402) 781-2624

**CONTACT:** Lyle Loth

ESP

601 Old Cheney Road, Suite A

Lincoln, NE 68512

421 - 2500



# Co. Preliminary Plat #04022 Co. Special Permit #04048 Adams Street Acreages N. 162nd & Adams St.

Zoning: R-1 to R-8Residential District Agricultural District AG AGR Agricultural Residential District R-C Residential Convervation District Office District 0-1

0-2 Suburban Office District O-3 Office Park District R-T Residential Transition District Local Business District B-1

Planned Neighborhood Business District B-2 B-3 Commercial District

Lincoln Center Business District B-4 B-5 Planned Regional Business District H-1 Interstate Commercial District H-2 Highway Business District

H-3 Highway Commercial District General Commercial District Industrial District

Industrial Park District I-2 Employment Center District I-3 Public Use District m:\plan\arcview\04\_pp\pp04022

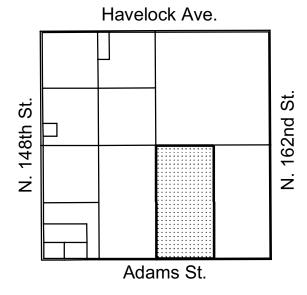
One Square Mile Sec. 10T10N R8E

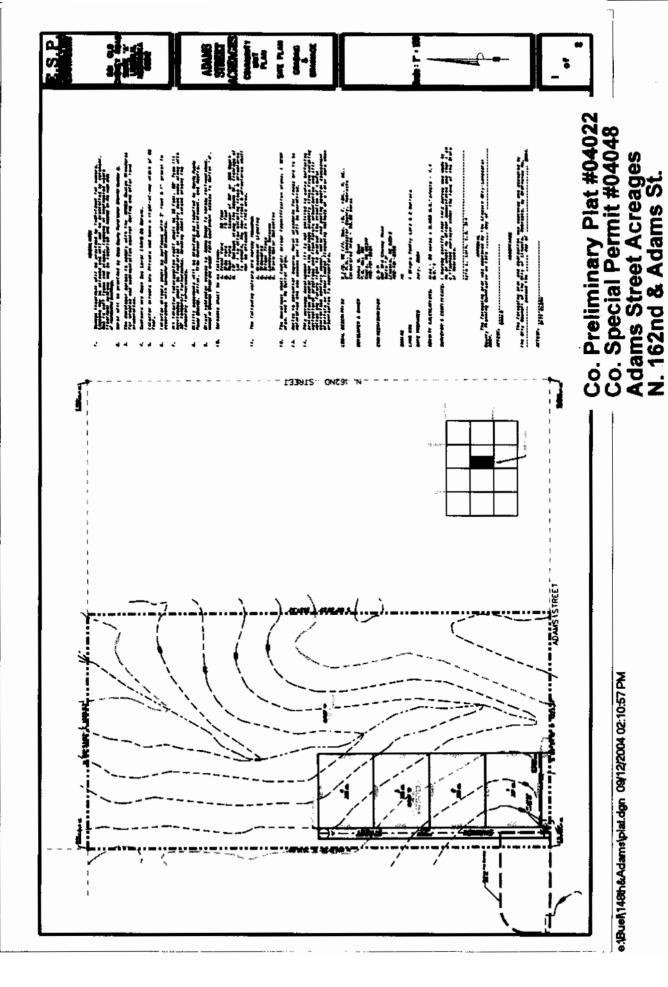


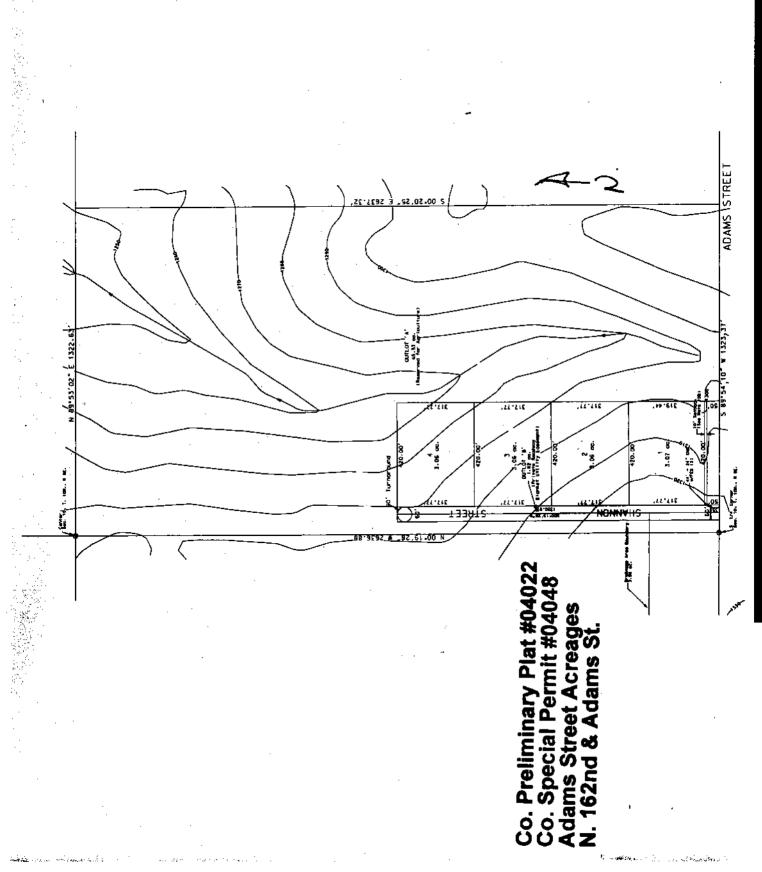
Zoning Jurisdiction Lines

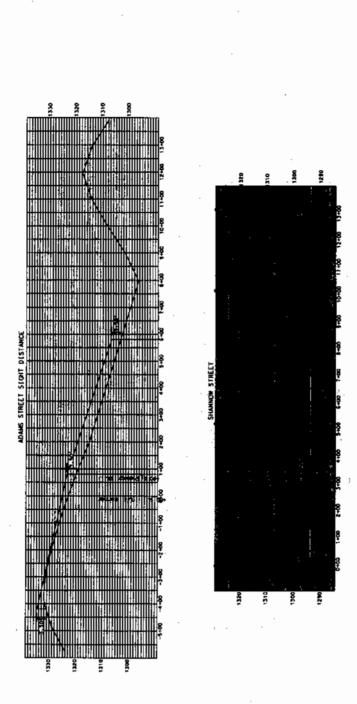
City Limit Jurisdiction

2002 aerial









ADAMS STREET ACREAGES

ADAWS ST.
SIGHT
DISTANCE
&
SHANNON
STREET

Scale:

Co. Preliminary Plat #04022 Co. Special Permit #04048 Adams Street Acreages N. 162nd & Adams St.

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### GENERAL NOTES

- 1: Sewage treatment will be provided by individual lot owners. Lagoons may be allowed and will not be prohibited by covenant. Due to soil types and slopes, lagoons or engineered waste treatment systems may be required and located on the west side of residential dwellings.
- 2. Water will be provided by Cass County Rural Water District Number 2.
- The developer agrees to comply with the NPDES Design Standards ₹. for erosion and sedimentation control during and after land preparation.
- Contours are Mean Sea Level (NAVD 88 Datum). 4.
- interior streets are Private and have a right-of-way width of 60 5. feet.
- interior streets shall be surfaced with 3" rack & i" gravel in 6. accordance with Lancaster County Standards.
- 7. All interior intersection radii shall be 30 feet. 22' Type III barricades shall be installed at temporary dead ends along with 30' temporary turnarounds. Grading shall extend around the temporary turnarounds.
- 8. Utility easements will be provided as required by Norris Public Power District. Alitel. Time Warner Entertainment, and Agulla.
- 9. Direct vehicular access to Adams Street is hereby relinquished. except at Shannon Street and except form equipment access to Outlot 'A'.
- 10. Setbacks shall be as follows:
  - A. Front Yard 50 feet
  - B. Side Yard 15 feet
  - Lesser of 50' or 20% Depth C. Rear Yard
  - D. 10' Setback along the Adams St. frontage of Lot I to allow existing trees & structures to remain. Any new trees & structures shall Not be allowed in this area.
- 11. The following waivers are hereby requested:
  - A. Ornamental Lighting
  - B. Sidewalks

W 1/2, SE 1/. 6'" P. W., Lan

Calculated As

- C. Street Trees D. Landscape Screens
- E. Storm Water Detention
- 12. The developer shall install street identification signs: I STOP sign, and I No Outlet sign.
- Notice to potential buyers: Rural standards for roads are to be 13. maintained and one access per lot will be permitted.
- 14. This acreage development (I) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sonitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate.

Co. Preliminary Plat #04022 Co. Special Permit #04048 **Adams Street Acreages** N. 162nd & Adams St.

# <u>Lancasler</u> <u>Counly</u> <u>Engineering</u> <u>Deparlment</u>

# DON R. THOMAS - COUNTY ENGINEER



DEPUTY- LARRY V. WORRELL COUNTY SURVEYOR

DATE:

August 31, 2004

TO:

Mike DeKalb

Planning Department

FROM:

Larry V. Worrell

County Surveyor

SUBJECT:

ADAMS STREET ACREAGES

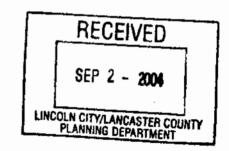
**CUP AND PRELIMINARY PLAT** 

Upon review, this office would have the following comments:

- 1) Re-phrase General Note #13 to read: "Only one residential access allowed per lot".
- 2) Lot 1 is a double-frontage lot; not sure definition in Note #10 is clear.
- 3) Add to the Preliminary Plat - Two Type III 22 feet barricades at temporary turnaround.
- 4) Site development, including proposed grading contours, are not shown on the submitted plan.
- 5) The HY-8 culvert analysis show a constant tail-water elevation of 0.00. This is incorrect and shows as an error in the tail-water depth in the Performance Curve Table.
- The grade of Shannon Street as it approaches Adams Street should be 0.50% to 6) match existing ground and eliminate the short vertical curve at Sta. 0+50.
- 71 Right-of-Way dedication shall be noted on the drawing, and shall extend across the Adams Street frontage of Outlot "A" along with the 10 feet of setback for future improvements.
- A typical grading cross-section shall be shown. 8)

LVW/cm

SUBDIV.WK/Adams Street Acreages CUP & PP.Mem





### AREA 2 SERVICE CENTER

R.R. 1 BOX 56 ROCA, NEBRASKA 68430 402/423-3855 FAX 402/423-8090

September 2, 2004

Mike Dekalb, Project Planner 555 S. 10<sup>th</sup> St. #213 Lincoln, NE 68508

RE: Adams Street Acreages

Dear Mike.

I have reviewed the subject plat, and as all the lots adjoin the private roadway which includes a blanket utility easement I will request no further easements at this time.

Thanks for your cooperation.

Sincerely,

Rick Volmer, Construction Superintendent Area 2

RECEIVED

SET 3

UNCOLN GITY/LANG GITH COUNTY

### LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT INTER-OFFICE COMMUNICATION

TO: Mike DeKalh

DATE:

September 8, 2004

**DEPARTMENT: Planning** 

FROM:

Chris Schroeder

ATTENTION:

**DEPARTMENT:** Health

CARBONS TO: EH File

SUBJECT:

Adams Street Acreages

EH Administration

PP #04022 SP #04048

The Lincoln-Lancaster County Health Department has reviewed the proposed development with the following noted:

- The developer has adequately addressed onsite wastewater treatment issues in the site plan's general notes. Wastewater treatment will be provided by individual lot owners. Treatment systems will be standard, non-standard, or lagoons depending on soil types. Lagoons will not be prohibited by covenant.
- The developer has adequately addressed potable water issues. Potable water will be supplied by Cass County Rural Water District Number 2.
- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.



LYLE L. LOTH. RE./L.S.

Suite A - 601 Old Cheney Road Lincoln, NE 68512 Phone (402) 421-2500 Fax (402) 421-7096

Email: lyle@espeno.com

File No. 04-0150 August 25, 2004

Lincoln-Lancaster Planning Dept. 555 South 10<sup>th</sup> St. Lincoln, NE 68508 (402) 441-7491

RE: ADAMS STREET ACREAGES COMMUNITY UNIT PLAN

This statement of purpose is in reference to the above community unit plan. The referenced project consists of the W ½ of the SE ¼, Section 10, Township 10 North, Range 8 East of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

The owner, James M. Buel, has contracted our firm, E.S.P., to file an application for a community unit plan consisting of a total of 4 lots. The owner has no interest at present in the surrounding area. Sixteen copies of the proposed site plan and eight copies of the street profiles accompany this purpose statement. Also being submitted with the application are two copies of the letter from Cass County rural water district assuring that they will be providing water to the proposed C.U.P..

For questions or concerns in reference to this project please feel free to contact me at the above number.

Thank you,

L#le L. Loth

President, E.S.P., Inc.

AUG 27 2004

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

### CASS COUNTY RUPAL WATER DISTRICT NO 2

PO BOX 195 108 SOUTH 4TH STREET ELMWOOD, NEBRASKA 68349

MANAGER: Bob West Assistant Manager: Date Miller Phone 402/994-2555

Cellular 402/430-9680

Cellular 402/430-9686

Fax 402/994-2559

Office Manager: Faye Berry

BOARD OF DIRECTORS

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Oroc County

Don Edwards, Vice-Chairman - 2006

Lancaster County

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Dean Douglas, Secretary - 2005

Member At Large

Mark Reland - 2005

Tipton Precinct & Stockton Precinct

Tom Goudie - 2007

Stove Creek Precinct

Dave Stock - 2007

So Bend Precinct & Elmwood Precinct

July 21, 2004

Sincerely,

Jeff Buel 2409 So. 214th St. Eagle, NE 68347

### TO WHOM IT MAY CONCERN

Re: 4 homes at W 1/2 of SE 1/4 of Section 10-10-8 in Lancaster County, Nebraska

This is to inform you that our engineer has reviewed the request for water service as referenced above. It is their opinion that the addition of these services will not have a significant impact upon the existing level of service being provided the present customers.

The estimated pressure would be approximately 50 psi.

If the requested water has not been applied for and necessary hookup fees provided within a two (2) year period, we will require a resubmission for water service availability.

# LEGAL DESCRIPTION "ADAMS STREET ACREAGES"

West ½ of the SE ¼ of Section 10, Township 10 North, Range 8 East, of the 6<sup>th</sup> P.M., Lancaster County, Nebraska.

